

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: *EX PARTE* APPLICATION OF
GENERAL ELECTRIC CO.
FOR AN ORDER TO TAKE DISCOVERY
PURSUANT TO 28 U.S.C. § 1782.

Case No. _____

EX PARTE APPLICATION OF GENERAL ELECTRIC COMPANY
FOR AN ORDER TO TAKE DISCOVERY IN AID OF
A FOREIGN PROCEEDING PURSUANT TO 28 U.S.C. § 1782

1. Petitioner General Electric Company (“GE”), by and through its counsel, hereby applies to the Court for an Order under 28 U.S.C. § 1782(a) granting it leave to issue: (1) two subpoenas to Siemens Gamesa Renewable Energy, Inc. (“SGRE Inc.”) requiring SGRE Inc. to produce documents in its possession, custody or control for use in foreign patent infringement proceedings pending in Germany (the “Foreign Proceedings”); and (2) two Rule 30(b)(6) deposition subpoenas requiring SGRE Inc. to make available a corporate designee who is prepared to testify under oath about information known or reasonable available to SGRE Inc. concerning the facts of the anticipated and pending patent infringement disputes in the Foreign Proceedings, together with the nature, extent, and location of such documents.

2. GE’s request for discovery is based upon this Application, the concurrently filed “General Electric Co.’s Memorandum of Law in Support of its *Ex Parte* Application for an Order to Take Discovery Pursuant to 28 U.S.C. § 1782,” and the exhibits and declarations attached thereto. A proposed discovery Order and two proposed Subpoenas are attached hereto as **Exhibits A, B, and C**.

3. 28 U.S.C. § 1782 (“Section 1782”) authorizes a federal district court to order discovery of documents and testimony for use in a foreign proceeding in the following circumstances:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal The order may be made . . . upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court. . . . The order may prescribe the practice and procedure, which may be in whole or part the practice and procedure of the foreign country or the international tribunal, for taking the testimony or statement or producing the document or other thing. To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure

4. As set forth and explained in the memorandum filed herewith, the requirements of 28 U.S.C. § 1782 are satisfied in this case. Discovery is sought from SGRE Inc., which is present in this District with a place of business at 800 Boylston St, Suite 2907, Boston, MA 02199. The discovery is sought for use in foreign court proceedings pending in Germany. The applicant, GE, is an interested person in that it is or will be the plaintiff in the Foreign Proceedings.

5. As set forth and explained in the memorandum filed herewith, the factors enumerated in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), support allowing discovery pursuant to 28 U.S.C. § 1782. Specifically, the foreign jurisdictions at issue are receptive to the type of discovery sought by GE, the discovery provides key information for the foreign proceedings, and the request is not made to circumvent any limitation on discovery imposed by the foreign court. Finally, the discovery request is narrowly tailored and is not unduly intrusive or burdensome. To the extent the requested documents contain confidential business information, GE will agree to protect the information from disclosure as may be appropriate.

6. GE is an American multinational company incorporated in New York City and headquartered in Boston. GE is one of the world's leading wind turbine suppliers, engaging in the development, manufacture, and distribution of wind turbines and components thereof. Since GE's entry into the wind turbine market in 2002, GE has been an innovator in the field, investing more than \$2.5 billion in research, development, design, engineering, and testing next-generation wind turbine technology. GE's continued success in this industry depends, in part, on its ability to protect its technology through enforcement of its patent rights.

7. SGRE Inc. is part of a larger group of companies affiliated with a parent company known as Siemens Gamesa Renewable Energy, S.A. Members of the Siemens Gamesa Renewable Energy conglomerate market, sell, service, and provide operations and support for wind turbine products in the United States through their US entity, SGRE Inc.

8. GE has strong grounds to believe that Siemens Gamesa entities around the world have been infringing GE's worldwide patent rights. However, to support newly filed patent infringement lawsuits and prior to being able to file other additional patent infringement lawsuits against those entities, GE needs to obtain a narrow set of discovery to initiate those proceedings.

9. Accordingly, for the reasons set forth above, in the Memorandum of Law, the exhibits and declarations in support thereto, GE respectfully moves the Court to issue an order granting the Petition and authorizing the issuance of two subpoena in the form attached hereto as **Exhibits B and C**.

Dated: March 16, 2022

Respectfully submitted,
GENERAL ELECTRIC COMPANY
By their attorneys,

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